

## DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

**Notice of Review of Water Quality Standards and Public Hearing**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on Indiana's Water Quality Standards (WQS). The federal Clean Water Act (CWA) requires all states to develop, review, revise, and adopt WQS. WQS must include the designated uses of the waterbody, water quality criteria necessary to protect those uses, and antidegradation provisions to protect the water quality.

The CWA requires the states to periodically review their water quality standards as appropriate. The most significant rulemaking to revise Indiana's WQS was development of the statewide antidegradation standards and implementation procedures, Legislative Services Agency (LSA) Document #08-764, that was final adopted on March 14, 2012. Another rulemaking, LSA Document #11-320, to amend the WQS for chloride and sulfate, was final adopted on May 23, 2012. A rulemaking on special designations and exceptional use waters, LSA Document #13-290, was final adopted on September 10, 2014.

A priority for IDEM is to make the standards consistent for all waters (those within the Great Lakes basin and those outside of the Great Lakes basin, commonly referred to as "downstate"). Currently, IDEM has the following proposals and plans under consideration affecting WQS or use designations:

- (1) Revise the aquatic life ambient water quality criteria (WQC) and human health ambient WQC for metals. Proposed revisions to these metal criteria reflect updates to National Recommended Water Quality Criteria (NRWQC) at Section 304(a) of the CWA and current science. Second Notice of Comment Period, LSA Document #14-58, closed February 1, 2018.
- (2) Remove the limited use waters classification and waters classified for limited use in [327 IAC 2-1](#) and [327 IAC 2-1.5](#). First notice of rulemaking is being developed.
- (3) Update Indiana's procedures for calculating aquatic life ambient WQC and human health ambient WQC to reflect current U.S. EPA guidance and to implement consistent statewide procedures. These methodologies are used to derive ambient WQC for chemicals that do not have a NRWQC at Section 304(a) of the CWA, but have the potential to impact human health or aquatic life. Updating these procedures will include adopting updated exposure, bioaccumulation, and toxicity factors that reflect the latest scientific information and United States Environmental Protection Agency (U.S. EPA) policies. First notice of rulemaking is being developed.
- (4) Update or adopt new and updated human health ambient WQC for 94 chemical pollutants that are NRWQC at Section 304(a) of the CWA. U.S. EPA derived the 94 human health ambient WQC using updated exposure, bioaccumulation, and toxicity factors that reflect the latest scientific information and U.S. EPA policies. First notice of rulemaking is being developed.
- (5) Update current Indiana WQS variance rules to include a 2015 U.S. EPA rule (40 CFR §131.14) that establishes a regulatory framework for the adoption of WQS variances to implement adaptive management approaches to improve water quality.

IDEM believes these rulemakings focus on key updates needed to improve Indiana's WQS but is interested in hearing public opinion on all aspects of the WQS. With this notice, IDEM requests feedback from all interested parties on any aspect of Indiana's WQS contained in [327 IAC 2](#). Public comments should include:

- (1) the matter at issue;
- (2) whether the issue is currently covered by the WQS, and, if so, where any suggested change should be made to the WQS;
- (3) the basis for the suggested change; and
- (4) technical information, reports, or references that support the comment.

The estimated fiscal impact of changes to the WQS is impossible to determine at this notice stage without knowing what changes may ultimately occur.

A public hearing will be held on April 11, 2018, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Conference Center Room A, Indianapolis, Indiana. Following a brief presentation by IDEM, the Environmental Rules Board (ERB) will hold a public hearing on any aspect of Indiana's WQS. The purpose of this hearing is to solicit public comments on Indiana's WQS. All interested persons are invited and will be given reasonable opportunity to express their views concerning Indiana's WQS. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing. No votes or actions will be taken by the ERB. At this time, additional public meetings to solicit public comments are not scheduled.

Individuals requiring reasonable accommodations for participation in this public hearing should contact the IDEM, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator  
Indiana Department of Environmental Management  
Indiana Government Center North  
100 North Senate Avenue  
Indianapolis, IN 46204-2251

or call (317) 233-1785 (V). Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service (711) or (800) 743-3333. Please provide a minimum of 72 hours notification.

Copies of this notice are now on file at the Office of Legal Counsel, Indiana Department of Environmental Management, Indiana Government Center North, 100 North Senate Avenue, Room N1315 and are open for public inspection.

Written comments in response to this notice may be submitted to IDEM through April 26, 2018, in one of the following ways:

(1) By mail or common carrier to the following address:

Notice of Review of WQS  
MaryAnn Stevens  
Rules Development Branch  
Office of Legal Counsel  
Indiana Department of Environmental Management  
Indiana Government Center North  
100 North Senate Avenue  
Indianapolis, IN 46204-2251

(2) By facsimile to (317) 233-5970. Please confirm the timely receipt of your faxed comments by calling the Rules Development Branch at (317) 232-8922.

(3) By electronic mail to [mstevens@idem.in.gov](mailto:mstevens@idem.in.gov). To confirm timely delivery of your comments, please request a document receipt when you send the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the e-mail address indicated in this notice.**

(4) Hand delivered by 4:45 p.m. to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment, it must clearly specify the title of "Notice of Review of WQS".

Additional information regarding this action may be obtained from MaryAnn Stevens, Rules Development Branch, Office of Legal Counsel, (317) 232-8635 or (800) 451-6027 (in Indiana) or Eileen Hack, Technical Environmental Specialist, Office of Water Quality, (317) 234-7914 or (800) 451-6027 (in Indiana).

Martha Clark Mettler  
Assistant Commissioner  
IDEM, Office of Water Quality

*Posted: 02/28/2018 by Legislative Services Agency*

An [html](#) version of this document.